

Remarks

The specification is amended to delete "307" of "NOR 307" in Table 7 on page 63. The term "307" is inadvertent. The term "307" adds nothing to the description of the NOR. "NOR" is a hydroxylamineester as stated on page 63.

No new matter is added.

Claims 1, 7-17 and 20 are pending and are under consideration.

There are no allowed claims.

Claims 1-17 are rejected under 35 USC 103(a) as being unpatentable over WO 99/00450 in view of Galbo, et al., U.S. Pat. No. 5,096,950 and WO 01/90113.

The present hydroxylamine esters are limited to cyclic ketals of formula C.

In extensive studies, the inventors have found that the cyclic ketals according to structure (C) have significant advantages over open chain structures in the 4 position relative to the hydroxylamine ester. The instant structures provide for a significantly higher thermal stability and hence, a more efficient flame retardant effect.

The Examiner has objected to the comparative test between compounds 138 (inventive) and compound 106 (comparative), since they have not been used in the same concentration. It therefore would not be clear to what any unexpected results may be attributed.

In the flame retardance test presented in Table 6, page 62, the flame retardancy becomes better when shorter burn times are measured. In other words: the shorter the burn time, the better the flame retardant effect.

Applicants would like to draw the Examiner's attention once again to Table 6. It is clear that all inventive combinations show improved flame retardance as compared to the references. However, **compound 138**, which is a cyclic ketal outperforms the **open chain compound 106**. Example E1 and E3 containing besides the other additives 0.5 parts of compound 106 show an average burn time

of 20 and 17 seconds respectively, whereas compound 138 in examples E2 and E4 at 0.1 parts provides for 9 and 7 seconds respectively. **This result clearly demonstrates that compound 138 at a 5 times lower level is more effective than compound 106.**

The flame retardant "deca" is decabromodiphenylether. The flame retardant "FR-370" is tribromophenylphosphate (page 60). These are members of present component (ii).

These figures clearly indicate that in 4-position relative to the hydroxylamine ester, cyclic ketals are superior as compared to corresponding open chain compounds.

This substantial effect is neither disclosed nor suggested in the prior art, in particular WO 99/00450 is totally silent as to such an effect. Although US 5,096,950 and WO 01/90113 disclose among other compounds cyclic ketal structures as useful light stabilizers or polymerization initiators, there is totally lacking the required expectation of success, when combining the disclosures of WO 99/00450 and 5,096,950 or WO 01/90113.

Applicants submit that in view of these remarks, that the present 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Ciba Specialty Chemicals Corp.
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102

Respectfully submitted,



Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388